

Uncertainty over position of Durban Platform Chair

Bonn, 19 May (Meena Raman)- Uncertainty continues to surround over who would be selected to be the Chair of the newly launched Ad-Hoc Working Group on the Durban Platform for Enhanced Action (ADP) in the climate talks in Bonn.

The impasse on the election of the Chair of the ADP stemmed from nominations from 3 groupings of countries for the position. The Western Europe and Others Group (WEOG) have nominated Mr. Harald Dovland of Norway, the Group of Latin American and Caribbean (GRULAC) countries nominated Mr. Kishan Kumarsingh from Trinidad and Tobago and the Asia-Pacific region has nominated Mr. Jayant Mauskar from India.

The ADP plenary reconvened late Friday (May 18) evening to resolve the issue of the election of Chairs and Vice-chairs for the Bureau of the ADP and was called to order by the Vice-President (VP) of the Conference of Parties, Mr. Robert Van Leirop from Surinam.

A point of order was raised by China, who asked the VP to recuse himself from presiding over the process as there was a conflict of interest, given that he was nominated to his position by the GRULAC region and one of the candidates for the position of Chair of the ADP was also from the same region.

China was supported by Saudi Arabia (who is the Chair of the Asia-Pacific region), as well as Egypt, India and Kuwait.

Barbados opposed the point of order raised and was supported by the United States, the European Union, Grenada.

An explanation was provided by the Chief Legal Adviser of the UNFCCC Secretariat that when the President of the COP (in this case South Africa) is temporarily absent, the rules of procedure allow

for the President to designate a VP to preside over the proceedings. The person so designated no longer represents the interest of the regional grouping.

China said that it did not question the impartiality and objectivity of the VP but given that this was a matter of extreme sensitivity and for the sake of increasing transparency and building credibility and trust in the process, it once again asked the VP to recuse himself.

The VP then said that he would not do so, given that all who are elected to serve the UNFCCC are not elected to serve a particular interest. He also clarified that he was not involved in the consultations regarding the selection of the Chair of the ADP.

The VP then asked Ambassador Ms. Nozipho Mxakato-Diseko from South Africa to report on the consultations held.

Diseko said that consultations were held on the election of the ADP Bureau with the regional groups and the President made 3 proposals.

The first proposal was to reach agreement on the elections of officers of the ADP for the chair, vice chair and rapporteur to be elected for one year, until COP18/CMP8 in Doha 2012 where new elections will take place. The Chair is to be from WEOG and agreement between GRULAC and the Asia-Pacific region on the position of vice chair and rapporteur. The three officers will jointly guide and direct the work as part of the bureau of the ADP until new elections in Doha. In this case, elections will take place immediately in Bonn.

The second proposal was for interim informal arrangements until COP 18 in 2012 where the three nominees will work together as three co-chairs until Doha and the work of the ADP is started immediately. The three co-chairs will jointly guide and direct the work.

The election of new chair, vice chair and rapporteur will take place in terms of the rules of procedure in Doha or if there is agreement in Doha to establish different governing structure for the ADP, the COP needs to adopt a decision in Doha to change the rules of procedure.

Elections then takes place in Doha for period from 2013. Elections will take place in Doha, but the work under the ADP starts immediately in Bonn under this informal and interim arrangement.

In the event that this matter is not resolved, the third proposal was for the COP Presidency to preside over the ADP until the matter is resolved as soon as possible, but for no longer than the end of the session in Bonn, with consultations on elections to be finalised as soon as possible, with a deadline for concluding before or by 24 May 2012.

Pending this resolution, the COP 17/CMP7 Presidency to convene the ADP to initiate its work for the adoption of the agenda and the establishment of contact group and to start the discussions. If the matter is still unresolved by 24 May 2012, the Presidency will put the matter to a vote.

Diseko said that consultations were held by the Presidency with the coordinators of regional groups on the proposals but the consultations did not yield any results. Hence, the only resort open to Parties was to elect the Bureau of the ADP in accordance with the election procedures of the Draft Rules of Procedures of the COP. (According to the rules, this would be by secret ballot and a simple majority would be sufficient).

Saudi Arabia, speaking for the Asia-Pacific region in response said that further engagement until a final outcome was reached is the right thing to do to find a solution. Supporting the Asia-Pacific nomination, it said that since the entry into force of the UNFCCC, the region had been under-represented in the chairing of the subsidiary bodies under the Convention and the Kyoto Protocol. The WEOG region held such positions 17 times, the African region 15 times, GRULAC 16 times and the Asia-Pacific region only 6 times. It said it was time for the region's nominee to head the ADP and to narrow down the "representation equity gap."

Gambia on behalf of the LDCs, in an apparent preference for the third proposal suggested that the COP President preside over the proceedings and start work while consultations go on here in Bonn to find a solution.

Guyana, speaking for GRULAC supported the proposal of Gambia, as did Swaziland for the African Group, the European Union, Australia for the Umbrella Group, Nauru for AOSIS, and Russia.

China expressed regret that after two days of consultations, there was no result. It emphasised the need for a fair representation of regions in the bodies of the Convention. Given that the Asia-Pacific region only chaired the subsidiary bodies 6 times throughout the history of the Convention and with the other regions having been at the helm of these bodies 15-17 times, the priority should be given to the Asia-Pacific region and this region had the biggest number of Parties and called on all members for a rapid resolution of this matter.

Guyana, speaking for GRULAC said that the Asia-Pacific region was chairing the AWG-LCA this year and was also going to be COP President in Doha end of this year. It asked if this was balanced and equitable.

(Several observers and senior negotiators on the matter in reference to the Guyana question said that "historical inequity in the representation" seemed to have been ignored as was the issue of rotation among regions in relation to the position of the Chair of the AWG-LCA this year).

The VP then asked Parties to consider the proposal of the Gambia on the way forward and this was agreed to by all.

The ADP will reconvene on Saturday (19 May).

Ad-Hoc Working Group on Long-term Cooperative Action

Meanwhile, in the AWG-LCA, on Thursday, 17 May, the AWG-LCA adopted the provisional agenda to begin its work, following intensive informal consultations on Wednesday evening between the AWG-LCA Chair Mr. Aysar Tayeb and the Parties.

The adoption of the provisional agenda was made possible with a footnote that "items on the agenda have enjoyed different levels of progress through decisions adopted by the Conference of the Parties at its sixteenth and seventeenth sessions. Taking into account the progress achieved, some items may not need further work under the Ad Hoc Working Group on Long-term Cooperative Action under the Convention."

Following the adoption of the agenda, the establishment of a contact group was agreed to by Parties on the understanding that spin off groups

will be launched to consider the tasks mandated in Durban, while the contact group will also evaluate progress on all agenda items and launch additional spin off groups as needed.

The contact group convened in the evening of May 17. Following an intense exchange on the spin off groups, the following groups were agreed to: shared vision, developed country mitigation, developing country mitigation, REDD-plus, sectoral approaches, various approaches, including markets and review.

Another contact group was convened on the morning of Friday (May 18) to consider the other issues on the agenda not covered by the spin-off groups and this included the issue of economic and social consequences of response measures, adaptation, technology transfer and capacity building. The issue of finance is outstanding for further consideration.

The discussions in the contact group yesterday reflected a reluctance on the part especially of developed countries to allow for further spin off groups on issues that were viewed as important for developing countries, viz. on unilateral trade measures (under the item economic and social consequences of response measures); intellectual property rights (under technology transfer), adaptation and capacity building. Developed

countries were of the view that these issues were already being addressed by other existing or newly constituted bodies of the UNFCCC and there was no further need to have more discussions under the AWG-LCA.

Singapore, supported by the US, EU and other developed countries question the competence of the UNFCCC in discussing the issue of unilateral trade measures, saying that this was the remit of the WTO.

As for the issue of IPRs, Singapore was of the view that this was a matter for the WTO and WIPO and not for the UNFCCC. The US said that the IPR issue was being considered by Technology Executive Committee.

Sudan expressed unhappiness that developed countries seem to only want to discuss the decision which came out of Durban, which was adopted after most developing countries had left the meeting. It said that the reference point should be the BAP and not just the Durban decision. Developed countries were seen to oppose all the issues raised by developing countries while developing countries had agreed to the spin offs that they wanted.

The contact group will meet again today.